

In re application of Billy H. Brenton)	Date: October 23, 2007
)	
Serial No.: 10/802, 322)	Group Art Unit: 3724
)	
Filed: 03/16/2004)	Examiner: Hwei Siu Chou
)	Payer
)	
For: Adjustable Thumb Ringlet For)	
Pivoted Cutting Instruments)	
_____)	

Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
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APPEAL BRIEF

I.

Real Party In Interest

The real party in interest is Brenton-Roth Enterprises, LLC, assignee.

II.

Related Appeals and Interferences

None.

III.

Status of Claims

Claims 1-6, 8-14, 16 and 17 are pending and were finally rejected; claims 7 and 15 have been canceled.

IV.

Status of Amendments

None.

V.

Summary of the Claimed Invention

The present invention as claimed in independent claim 1 includes a first shaft 24 having a handle portion 28 and a cutting portion 26 separated by a first pivot location 18, said handle portion having a tubular portion 30, an adjustable substantially circular thumb ringlet 32 (P. 4, lines 25-28) having an open portion 66 and a hole 58 (P.6, line 16), a flexible pin 34 adapted to be inserted through the hole in said thumb ringlet and into the tubular portion of said first shaft for rotatably connecting said thumb ringlet to said first shaft (P.4, lines 25-28), a second shaft 12 having a handle portion 16 and a cutting portion 14 approximately separated by a second pivot location 18 (P. 4, lines 20-21) and a second pin 42a for pivotably connecting said second shaft to said first shaft in the region of the first pivot location and the second pivot location in such a manner that the cutting portion of said first shaft and the cutting portion of said second shaft cooperate as opposing cutting portions of said scissors. (P.5, lines 6-7).

Dependent claim 2 further defines the flexible pin as being fabricated using

thermoplastic polymers. (P.6, lines 4-5). Claim 3, which depends from claim 1, provides that the adjustable thumb ringlet is deformable such that the size of said adjustable thumb ringlet can be adjusted to fit a user's thumb. (P.6, lines 15-19). Claim 4 depends from claim 1 and further provides that the hole in said thumb ringlet is disposed approximately opposite to the open portion. (P.6, lines 15-16). Claim 5, which depends from claim 1, further defines the flexible pin as having a forward portion 50 and a rearward portion 44, said thumb ringlet and said flexible pin cooperating such that the rearward portion of said flexible pin does not pass through the hole in said thumb ringlet when said flexible pin is inserted therethrough, and said flexible pin and said tubular portion of said handle portion of said first shaft cooperating such that the forward portion of said flexible pin is captured in the tubular portion of said first shaft when said flexible pin is inserted therethrough. (P.5, lines 17-31).

Claim 6 depends from claim 1 and further adds the limitation that the pivotable connection of said second shaft to said first shaft comprises means for adjusting the force (an adjustable tensioner 40) between the opposing cutting portions of said scissors. (P. 5, lines 5-7). Claim 8, which depends from claim 1, adds that a finger ringlet 20 is disposed on said second shaft. (P. 4, lines 21-22). Claim 9 depends from claim 8 and includes a finger stabilizer 38 disposed on said

second shaft in the vicinity of said finger ringlet. (P.5, lines 1-4).

Independent claim 10 defines a scissors including a first shaft 24 having a handle portion 28 and a cutting portion 26 separated by a first pivot location 18, an adjustable, substantially circular thumb ringlet 32 (P.4, lines 25-28) having an open portion 66 (P.6, line 16), means for rotatably connecting said thumb ringlet to said first shaft 34 (P. 4, lines 25-28), a second shaft 12 having a handle portion 16 and a cutting portion 14 separated by a second pivot location 18 (P.4, lines 20-21) and means for pivotably connecting said second shaft to said first shaft in the region of the first pivot location and the second pivot location 42a in such a manner that the cutting portion of said first shaft and the cutting portion of said second shaft cooperate as opposing cutting portions of said scissors. (P.5, lines 6-7).

Claim 11 defines the means for rotatably connecting said thumb ringlet to said first shaft as a flexible pin 34. (P. 4, lines 25-28). Claim 12 defines the flexible pin as being fabricated with thermoplastic polymers. (P.6, lines 4-5). Claim 13, which depends from claim 10, provides that the adjustable thumb ringlet is deformable such that the size of said adjustable thumb ringlet can be adjusted to fit a user's thumb. (P.6, lines 15-19). Claim 14, which depends from claim 10, adds that the means for pivotably connecting said second shaft to said first shaft comprises means for adjusting the force (an adjustable tensioner 40) between said

opposing cutting portions of said scissors. (P. 5, lines 5-7).

Claim 16 depends from claim 10, and further provides a finger ringlet 20 disposed on said second shaft. (P. 4, lines 21-22). Claim 17 adds the limitation of a finger stabilizer 38 disposed on said second shaft in the vicinity of said finger ringlet. (P.5, lines 1-4).

VI.

Grounds of Rejection to be Reviewed on Appeal

Whether claims 1,3,5,8,10,11,13 and 16 are patentable under 35 U.S.C. 103(a) over U.S. patent no. 590,330 issued to Nolen in view of U.S. patent no. 2,421,238 issued to Borah, whether claims 1,3-5,8,10,11,13 and 16 are patentable under 35 U.S.C. 103(a) over U.S. patent no. 590,330 issued to Nolen in view of U.S. patent no. 2,421,238 issued to Borah and in further view of U.S. patent no. 3,374,541 issued to Earnest, whether claims 6 and 14 are patentable under 35 U.S.C. 103(a) over U.S. patent no. 590,330 issued to Nolen in view of U.S. patent no. 2,421,238 issued to Borah and in further view of U.S. patent no. 6,131,291 issued to Mock and whether claims 9 and 17 are patentable under 35 U.S.C. 103(a) over U.S. patent no. 590,330 issued to Nolen in view of U.S. patent no. 2,421,238 issued to Borah and in further view of U.S. patent no. 5,469,624 issued to Brenton.

VII.

Argument

A. CLAIMS 1,3,5,8,10,11,13 AND 16 ARE PATENTABLE UNDER 35 U.S.C. 103(A) OVER U.S. PATENT NO. 590,330 ISSUED TO NOLEN IN VIEW OF U.S. PATENT NO. 2,421,238 ISSUED TO BORAH

In paragraph 2 of the detailed action, the examiner initially rejected claims 1,3,5,8,10,11,13 and 16 as being unpatentable under 35 U.S.C. 103(a) over U.S. patent no. 590,330 issued to Nolen in view of U.S. patent no. 2,421,238 issued to Borah. For the following reasons, the pending claims are clearly patentable in light of the cited references.

To establish a prima facie case of obviousness, the examiner must establish, inter alia, that the references *teach or suggest* all claim limitations. M.P.E.P. § 2143.03. (Emphasis added). In applying 35 U.S.C. 103, the following factors should be considered:

1. The claimed invention must be considered as a whole;
2. The references must be considered as a whole and must suggest the *desirability* and thus the obviousness of making the combination;
3. The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention, and;

4. Reasonable expectation of success is the standard with which obviousness is determined. M.P.E.P. § 2141, citing *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 (Fed. Cir. 1986).

A statement that modifications of the prior art were well within the ordinary skill of the art because the references cited teach that all of the features are individually known does not establish a prima facie case of obviousness *without some objective reason to combine the teachings of the references*. (Emphasis added). M.P.E.P. § 2143.01, citing *Ex Parte Levengood*, 28 U.S.P.Q. 2d 1300 (B.P.A.I. 1993). The fact that the prior art could be modified in a manner suggested by the examiner did not make modification obvious unless prior art suggested the desirability of the modification. *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992).

Though the examiner's introductory sentence indicates that he is providing reasons for rejecting claims 1,3,5,8,10,11,13 and 16, he only addresses the limitations of claims 1, 2 and 12. For the purposes of this section, applicant will assume that the first sentence of paragraph 2 in the detailed action contains a typographical error and was intended to reference claims 1, 2,10 and 12. In the event that there was no such typographical error, the examiner has failed to address the limitations of claims 3,5,8,11,13 and 16, and therefore the rejections contained

within such paragraph have no merit.

1. The Examiner Has Examined the Claims with the Benefit of Impermissible Hindsight

In rejecting the claims (apparently 1,2,10 and 12), the examiner states that “Nolen teaches a scissors having ... an adjustable thumb ringlet (a2) and a second pin (x).” The examiner further states that “Borah teaches the use of a flexible pin 24 to connect separate parts together. See Figure 3. Therefore, it would have been obvious to one skilled to replace Nolen’s pin with Borah’s flexible pin for easily securing the thumb ringlet to the handle portion.”

The examiner asserts that Borah teaches the use of a flexible pin 24 to “connect separate parts together” and therefore, its combination with the scissors of Nolen is obvious. The device of Borah relates to a collapsible paperboard container having detachable sidewalls that are joined with securing members 24. The device in no way relates to scissors, or to securing a rotary component to another component so that the rotary component not only spins, but moves in the x, y and z planes. Conversely, the fasteners of Borah are designed to facilitate assemblage of the container. The disclosure of Borah provides that “[i]t will be observed that the use of expansible fasteners as above described makes assembly of the containers very simple and quick. Thus the assembler can start the operation

at one of the top openings, holding the parts together with the openings in register with one hand, and applying the fasteners from the outside with the other hand. No special tools are required.” See column 3, lines 69-75, column 4, line 1. The above quoted language clearly indicates that the flexible fasteners of Borah are to facilitate assembly and in no way suggest that such fasteners allow a component to rotate about its central axis while the central axis is freely pivotal in any direction. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The prior art is devoid of any suggestion or teaching of attaching a thumb ringlet to a scissors shaft using a flexible pin to allow the thumb ringlet to rotate and/or move within x, y and z planes. “It is perfectly well settled that a new combination of elements, old in themselves, but which produce a new and useful result, entitles the inventor to the protection of a patent.” *Expanded Metal v. Bradford*, 214 U.S. 366 (1909).

The initial burden is on the examiner to provide some suggestion of the desirability of making a claimed combination. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present

a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985). The examiner has not presented a convincing line of reasoning as to why the applicant could readily combine expansible securing members in a paperboard container with scissors to form the claimed scissors. The examiner merely concludes that because a scissors and a flexible pin exist separately, their combination is obvious, even where the flexible pin's potential to create a rotary axis that is movable within three geometrical planes is neither disclosed nor remotely suggested. The only motivation or suggestion offered by the examiner is that some of the claimed components separately exist elsewhere.

Both the Federal Circuit and many lower courts have frequently warned against the use of such hindsight in determining obviousness. An "invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time." *Interconnect Planning Corp. V. Feil*, 774 F. 2d. 1132, 1138 (Fed. Cir. 1985).

"It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious....This court has previously stated that 'one cannot

use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fritch*, 972 F. 2d 1260 (Fed. Cir. 1992).

“Decomposing an invention into its constituent elements, finding each element in the prior art, and then claiming that it is easy to reassemble these elements into the invention, is a forbidden *ex post* analysis.” *In Re Mahurkar Patent Litigation*, 831 F. Supp. 1354 (N.D. Ill. 1993), *affirmed*, 71 F. 3d 1573 (Fed. Cir. 1995).

In *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, (Fed.Cir.1985), the court provided that:

“35 U.S.C. § 103 requires that obviousness be determined with respect to the invention as a whole. This is essential for combination inventions, for generally all combinations are of known elements. When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. There must be ‘something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.’”

“Critical to the analysis is an understanding of the particular results

achieved by the new combination. The claims here at issue are directed to a combination of known components of telephone systems in an admittedly new way to achieve a new total system. Neither the district court in its opinion, nor the defendants, identified any suggestion in the prior art that the components be combined as they were by Feil or that such combination could achieve the advantages of the Feil system.”

The examiner has merely broken down the claimed invention into its individual components, and purportedly located each element in a reference. And the examiner concludes that, because the elements exist, reassembling them to form the claimed scissors is obvious. Such hindsight reconstruction is clearly improper and is forbidden by the mandates set forth by the Federal Circuit.

2. The Examiner Has Cited a Reference within a Non-Analogous Art

Not only is the claimed combination not disclosed or suggested in the prior art, the device of Borah is non-analogous art. For example, in *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992), the applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly "hook" which maintained the preassembly condition of the clamp and disengaged automatically when the clamp was tightened. The Board relied upon a reference, which disclosed a hook and eye fastener for use in garments, reasoning

that all hooking problems are analogous. The court held the reference was not within the field of applicant's endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned, because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. M.P.E.P. §2141.01(a).

Likewise, an inventor looking to create a scissors having a thumb ringlet that is both rotatable and pivotal in virtually in any direction would not be expected or motivated to look to a paperboard container that is easily assembled, particularly considering that the fasteners of Borah serve an entirely different purpose. The patent to Borah in no way relates to scissors, cutting or even allowing a rotary member to move in any direction; again, the examiner concludes that a flexible pin and scissors separately exist and, therefore, their combination is obvious. Such reasoning is clearly the type of impermissible hindsight that is prohibited by *Levengood*, supra. Inasmuch as virtually every invention is a combination of existing elements, such reasoning would render virtually all inventions unpatentable.

A reference is analogous if 1) it is within the field of the inventor's endeavor or, if not, 2) it is reasonably pertinent to the particular problem with which the

inventor was involved. *In re Deminski*, 796 F. 2d 436 (Fed. Cir. 1986). In applying the aforementioned two-part test, the Federal Circuit addressed a similar obviousness rejection as the one at issue herein. In *In Re Clay*, 966 F. 2d 656 (Fed. Cir. 1992), the PTO had rejected a claimed process for storing a liquid hydrocarbon product in a storage tank having a dead volume between the tank bottom and its outlet port. The process included preparing a solution that gels when placed in the dead space, and later adding a gel degradation agent when the gel is to be removed. The PTO rejected the claims as being obvious in light of a reference disclosing an apparatus for displacing dead space liquid using bladders, in view of a second reference which disclosed a process for reducing the permeability of hydrocarbon bearing formations using a gel similar to that of the applicant's invention. The Board considered the gel reference to be pertinent because the gel would have a number of applications including its combination with the bladders to store in a tank dead space.

The Federal Circuit reversed. First, the court determined that the cited gel reference was not within the inventor's field of endeavor. "The reference cannot be considered to be within [the inventor's] field of endeavor merely because both relate to the petroleum industry... [The inventor's] field of endeavor is the storage of refined liquid hydrocarbons. The field of endeavor of [the reference] invention,

on the other hand, is the extraction of crude petroleum.” Id. At 659.

Next, the court determined that the cited reference is not reasonably pertinent to the inventor’s problem.

“A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor’s endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem. Thus, the purposes of both the invention and the prior art are important in determining whether the reference is reasonably pertinent to the problem the invention attempts to solve. If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, and that fact supports use of that reference in an obviousness rejection. An inventor may well have been motivated to consider the reference when making his invention. If it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it.”

The court then concluded that, because the reference was concerned with plugging formation anomalies and recovering oil from rock, it was not reasonably pertinent to applicant’s problem of preventing loss of stored product to dead tank volume. “A person having ordinary skill in the art would not reasonably have

expected to solve the problem of dead volume in tanks for storing refined petroleum by considering a reference dealing with plugging underground formation anomalies.” Id. At 659-660.

Likewise, in this matter, applicant’s field of endeavor is scissors, or cutting instruments. Borah’s field of endeavor is a cardboard container that can be shipped in a disassembled configuration and later assembled without tools. It in no way whatsoever involves cutting, or any matter relating thereto. Accordingly, the cited Borah reference is not within the applicant’s field of endeavor.

Furthermore, the Borah reference is not reasonably pertinent to the problem that applicant’s invention is purporting to solve. The adjustable thumb ringlet according to the present invention enhances the comfort of barbers, beauticians, surgeons and others who operate scissors for significant durations. It allows the thumb to move in various directions as the scissors is manipulated thereby reducing the stress that the thumb typically endures when one uses conventional scissors having fixed thumb ringlets. The patent to Borah is concerned with a container that can be shipped in a collapsed configuration, and which can be subsequently assembled by a recipient without the use of special tools or equipment. See column 1, lines 1-32. The cited fasteners that purportedly render obvious the claimed flexible pin merely allow the container to be assembled

manually without tools. They do not remotely deal with applicant's problem of reducing stress and fatigue associated with the use of barber's scissors. Moreover, they are not remotely concerned with allowing a rotary component to pivot within a three-dimensional space. As in *In Re Clay*, the "purpose" of Borah is completely different than the "purpose" of the claimed invention.

B. CLAIMS 1,3-5,8,10,11,13 AND 16 ARE PATENTABLE UNDER 35 U.S.C. 103(A) OVER U.S. PATENT NO. 590,330 ISSUED TO NOLEN IN VIEW OF U.S. PATENT NO. 2,421,238 ISSUED TO BORAH AND IN FURTHER VIEW OF U.S. PATENT NO. 3,374,541 ISSUED TO EARNEST

In paragraph 3 of the detailed action, the examiner repeats his reasons for rejecting claims 1 and 10; accordingly, the arguments in support set forth in the preceding headings are repeated as if copied herein *in extenso*. The examiner further states that "regarding claims 3 and 4, Nolen teaches the invention substantially as claimed except for the thumb ringlet in Fig. 1 having an opening facing upward. Earnest teaches providing an opening 13 facing upward in a thumb ringlet to comfortably fit fingers of varying girth. See Figs. 1-3. Therefore, it would have been obvious to one skilled in the art to provide the thumb ringlet of Nolen an opening facing upward as taught by Earnest to comfortably fit fingers of varying girth."

The device of Earnest relates to a flower stem cutter and in no way relates to scissors. Therefore, it is non-analogous art for the reasons set forth, *supra*. Furthermore, claims 3 and 4 do not claim an opening “facing upwardly” as the examiner purports. Claim 3 defines the thumb ringlet as being deformable while claim 4 further defines the hole in the thumb ringlet as being oppositely disposed from the open portion. Neither Nolen nor Earnest disclose or suggest a thumb ringlet having a hole (for receiving the flexible pin) and an oppositely disposed open portion as claimed. Furthermore, the examiner has failed to address the claim limitations but has merely stated that Earnest discloses an “opening facing upward” though no such claim limitation exists in the pending claims. In fact, the patent to Nolen teaches away from a deformable thumb ringlet as encompassed by claim 3 by providing that “the thumb holder or ring a2 is preferably of sheet metal.” Lines 58-59. Sheet metal is clearly not deformable.

Not only has the examiner misrepresented the existence and interrelation of some of the claimed elements, the examiner completely ignored the elements of claim 5, inter alia, wherein **said flexible pin has a forward portion and a rearward portion, said thumb ringlet and said flexible pin cooperating such that the rearward portion of said flexible pin does not pass through the hole in said thumb ringlet when said flexible pin is inserted therethrough, and said**

flexible pin and said tubular portion of said handle portion of said first shaft cooperating such that the forward portion of said flexible pin is captured in the tubular portion of said first shaft when said flexible pin is inserted therethrough.. None the above mentioned references remotely disclose or suggest such features and their omission is expected considering the references do not disclose an adjustable thumb ringlet according to the present invention.

C. CLAIMS 6 AND 14 ARE PATENTABLE UNDER 35 U.S.C. 103(a) OVER U.S. PATENT NO. 590,330 ISSUED TO NOLEN IN VIEW OF U.S. PATENT NO. 2,421,238 ISSUED TO BORAH AND IN FURTHER VIEW OF U.S. PATENT NO. 6,131,291 ISSUED TO MOCK

In rejecting claims 6 and 14, the examiner provides that “Mock shows a pair of shears comprising means 20,50 for adjusting the force of the shear blades (see column 3, line 66, column 4, line 1).” Though the patent to Mock discloses means for adjusting the tension of reciprocal blades, it does not suggest the inclusion of such feature with a scissors having an adjustable thumb ringlet as claimed. The examiner is merely concluding that because a tension adjusting means and a scissors separately exist, their combination is obvious. However, there is no evidence of record that suggests the combination, and such combination is not suggested by the mere fact that the components exist individually. See

Levengood, supra.

D. CONCLUSION

In conclusion, none of the references cited herein disclose a scissors having the uniquely designed adjustable thumb ringlet according to the claimed invention. In rejecting the claims, the examiner has applied references within a non-analogous art, and has improperly applied such references by ignoring the claimed interrelation of parts where the claimed interrelation is not disclosed, even by the non-analogous references. The examiner has also repeatedly asserted that claimed combinations are obvious because **some** components of the claimed invention previously existed, without showing any rationale or reasoning as to why combining the existing components is obvious. As such, the examiner's reasoning is clearly employing the use of impermissible hindsight construction. Furthermore, the examiner failed to address numerous claim limitations which are clearly undisclosed by the cited references.

VIII.

Claims Appendix

Claim 1. Scissors comprising in combination:

a first shaft having a handle portion and a cutting portion separated by a first pivot location, said handle portion having a tubular portion;

an adjustable substantially circular thumb ringlet having an open portion and a hole;

a flexible pin adapted to be inserted through the hole in said thumb ringlet and into the tubular portion of said first shaft for rotatably connecting said thumb ringlet to said first shaft;

a second shaft having a handle portion and a cutting portion approximately separated by a second pivot location; and

a second pin for pivotably connecting said second shaft to said first shaft in the region of the first pivot location and the second pivot location in such a manner that the cutting portion of said first shaft and the cutting portion of said second shaft cooperate as opposing cutting portions of said scissors.

Claim 2.: The scissors as described in claim 1, wherein said flexible pin is fabricated using thermoplastic polymers.

Claim 3 The scissors as described in claim 1, wherein said adjustable thumb

ringlet is deformable such that the size of said adjustable thumb ringlet can be adjusted to fit a user's thumb.

Claim 4 The scissors as described in claim 1, wherein the hole in said thumb ringlet is disposed approximately opposite at to the open portion.

Claim 5 The scissors as described in claim 1, wherein said flexible pin has a forward portion and a rearward portion, said thumb ringlet and said flexible pin cooperating such that the rearward portion of said flexible pin does not pass through the hole in said thumb ringlet when said flexible pin is inserted therethrough, and said flexible pin and said tubular portion of said handle portion of said first shaft cooperating such that the forward portion of said flexible pin is captured in the tubular portion of said first shaft when said flexible pin is inserted therethrough.

Claim 6 The scissors as described in claim 1, wherein the pivotable connection of said second shaft to said first shaft comprises means for adjusting the force between the opposing cutting portions of said scissors.

Claim 7 (canceled)

Claim 8 The scissors as described in claim 1, further comprising a finger ringlet disposed on said second shaft.

Claim 9 (previously presented): The scissors as described in claim 8, further

comprising a finger stabilizer disposed on said second shaft in the vicinity of said finger ringlet.

Claim 10 Scissors comprising in combination:

a first shaft having a handle portion and a cutting portion separated by a first pivot location;

an adjustable, substantially circular thumb ringlet having an open portion;

means for rotatably connecting said thumb ringlet to said first shaft;

a second shaft having a handle portion and a cutting portion separated by a second pivot location; and means for pivotably connecting said second shaft to said first shaft in the region of the first pivot location and the second pivot location in such a manner that the cutting portion of said first shaft and the cutting portion of said second shaft cooperate as opposing cutting portions of said scissors.

Claim 11 The scissors as described in claim 10, wherein said means for rotatably connecting said thumb ringlet to said first shaft comprises a flexible pin.

Claim 12 The scissors as described in claim 11, wherein said flexible pin is fabricated using thermoplastic polymers.

Claim 13: The scissors as described in claim 10, wherein said adjustable thumb ringlet is deformable such that the size of said adjustable thumb ringlet can

be adjusted to fit a user's thumb.

Claim 14: The scissors as described in claim 10, wherein said means for pivotably connecting said second shaft to said first shaft comprises means for adjusting the force between said opposing cutting portions of said scissors.

Claim 15 (canceled)

Claim 16: The scissors as described in claim 10, further comprising a finger ringlet disposed on said second shaft.

Claim 17: The scissors as described in claim 16, further comprising a finger stabilizer disposed on said second shaft in the vicinity of said finger ringlet.

IX.

Evidence Appendix

None.

X.

Related Proceedings Appendix

None.

Respectfully submitted,

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